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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 Javad Sarabi,) No. CV 09-29-PHX-MHM
10 Petitioner,) **ORDER**
11 vs.)
12 Katrina Kane,)
13 Respondent.)
14 _____)

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16 Petitioner, Javad Sarabi, filed his Petition for Writ of Habeas Corpus on January 6,
17 2009. On June 10, 2009, Respondent filed a Suggestion of Mootness advising the Court that
18 Petitioner was released under an Order of Supervision on that same day.

19 The Magistrate Judge filed his Report and Recommendation on June 16, 2009
20 recommending that Petitioner's Petition for Writ of Habeas Corpus be dismissed without
21 prejudice.

22 In his Report and Recommendation the Magistrate Judge advised the parties that they
23 had 10 days from the date of service of a copy of the Report and Recommendation within
24 which to file specific written objections with the Court. The time to file such objections has
25 long since expired and no objections to the Report and Recommendation have been filed.
26 The Court notes that the Petitioner's copy of the Report and Recommendation has been
27 returned by the post-office with the notation "Released/Not in Custody." Failure to timely
28 file objections to any factual or legal determination of the Magistrate Judge may be

1 considered a waiver of a party's right to *de novo* consideration of the issues. *See United*
2 *States v. Reyna-Tapia* 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

3 After a complete and independent review of the issues presented, the Court finds itself
4 in agreement with the Report and Recommendation of the Magistrate Judge.

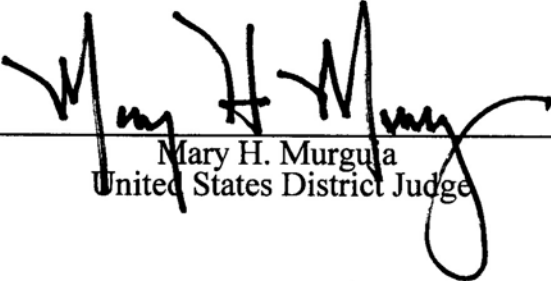
5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
6 as the order of this Court.

7 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is dismissed
8 with prejudice.

9 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.

10 DATED this 7th day of July, 2009.

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Mary H. Murgula
United States District Judge